

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAIQUAN K. FALLS,

Petitioner,

-against-

PAUL ARTETA,

Respondent.

23-CV-2301 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is currently detained at the Orange County Jail, brings this *pro se* petition for a writ of *habeas corpus*, challenging the constitutionality of his ongoing state court criminal proceedings and pretrial detention. He asserts in the petition, which is captioned for the New York State Supreme Court, Appellate Division, Second Department, that he is being unlawfully detained and he seeks to be immediately released from custody. For the following reasons, the petition is denied.

Petitioner has previously submitted to this court a substantially similar *habeas corpus* petition raising the same challenges to his ongoing state court criminal proceedings and detention. That case is pending before the Court under docket number 23-CV-0830 (LTS).<sup>1</sup>

Because this petition raises the same claims, no useful purpose would be served by the filing and

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<sup>1</sup> On March 13, 2023, the Court notified Petitioner in that action that his application would be recharacterized as a petition for a writ of *habeas corpus* under 28 U.S.C. § 2241. *Falls v. Arteta*, ECF 1:23-CV-0830, 10 (S.D.N.Y.). The Court directed Petitioner that, if he did not want to proceed under Section 2241, he should inform the Court within 30 days that he wishes to withdraw the petition. *Id.* The Court also instructed Petitioner, that if he did not withdraw the petition, within 60 days, he must file an amended Section 2241 petition showing that he had fully exhausted his state court remedies.

litigation of this duplicate action. Therefore, this petition is denied without prejudice to Petitioner's pending case under docket number 23-CV-0830 (LTS).<sup>2</sup>

### CONCLUSOIN

The Court denies Petitioner's Section 2241 petition as duplicative of No. 23-CV-0830 (LTS). All other pending matters in this case are terminated.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: March 22, 2023  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge

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<sup>2</sup> Petitioner must state all of his grounds for relief in the amended petition he was directed to submit in the pending case under docket number 23-CV-0830 (LTS).